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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,189	11/03/2003	David James Bennetts	Bennetts 2-5	3986
47396	7590	11/24/2008		
HITT GAINES, PC				
LSI Corporation				
PO BOX 832570				
RICHARDSON, TX 75083				
EXAMINER				
CASCA, FRED A				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
11/24/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/700,189

Applicant(s)

BENNETTS ET AL.

Examiner

FRED A. CASCA

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because: Applicants' arguments with respect to rejection of claims 1, 5, 12-14, 17, 27 and 36-45 under U.S.C. 112, first paragraph, as failing to comply with the written description requirements, is not persuasive. Applicants argue on page 3 of remarks filed on October 24, 2008, that "Though an "output-only" display is not specifically stated in the application, this type of display is implicitly disclosed. For example, in the present Application, a liquid crystal display 18 displays information to the user, as is well known in the art, is disclosed. (See page 4, line 29 - page 5, line 5.) As such, the Applicants respectfully state that it would be understood to one of ordinary skill in the art that a liquid crystal display as described in the Application is an "output-only display".

The examiner respectfully disagrees. A liquid crystal display (LCD) could be an output and an input unit. And a person of ordinary skill in the art would know that the LCD displays are used as touch screen input/output units. To illustrate that LCD displays can be used as input/output devices, the examiner cites references Seong (US 2004/0056985 A1, paragraph 28) and Liao (US 2004/0021681, paragraph 0004). Thus, a person of ordinary skill in the art would know that an LCD display is not an "output-only" display. Therefore, the rejection of claims 1, 5, 12-14, 17, 27 and 36-45 under U.S.C. 112, first paragraph, as failing to comply with the written description requirements, is maintained.

Rejection of claims 1, 5, 12-14, 17, 27 and 36-45 under U.S.C. 112, first paragraph, with respect to limitation "fully accessible" is withdrawn. However, rejection of claims 1, 5, 12-14, 17, 27 and 36-45 under U.S.C. 112, with respect to the limitation "output-only display" is maintained.

Applicants' arguments with respect to the 35 USC 103 rejection has been considered, but they are not persuasive because applicants failed to present the invalidity of reference Anderson (Patent No. 7197332) in the responses to the previous office actions. Further, applicants' arguments with respect to rejection of claims 1, 5, 12-14, 17, 27 and 36-45 under U.S.C. 112, is not persuasive and does not overcome the USC 112 rejection.